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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/015,855	12/13/2001	John F. Bisceglia	AUS920011004US1	7506

7590 10/06/2004  
Kelly K. Kordzik  
5400 Renaissance Tower  
1201 Elm Street  
Dallas, TX 75270

EXAMINER

STEELMAN, MARY J

ART UNIT	PAPER NUMBER
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2122

DATE MAILED: 10/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/015,855

Applicant(s)

BISCEGLIA, JOHN F.

Examiner

Mary J. Steelman

Art Unit

2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 13 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-47 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-47 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/13/2001.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-47 are pending.

#### ***Information Disclosure Statement***

2. IDS submitted 12/13/2001 has been considered.

#### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: FIG. 3, #331 & #332. See page 23 lines 2 & 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

#### ***Specification***

4. The use of the trademark JAVA has been noted in this application. It should be capitalized wherever it appears and be accompanied by the generic terminology.

Although the use of trademarks is permissible in patent applications, the proprietary nature of the marks should be respected and every effort made to prevent their use in any manner which might adversely affect their validity as trademarks.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent Application Publication 2002/0112232 A1 to Ream et al., in view of US Patent 6,405,364 B1 to Bowman-Amuah.

Per claims 1, 15, 26, and 37:

-receiving a first request comprising a description of said development environment and said software application to be developed, wherein said development environment comprises hardware components and software components:

(Ream: [0036], "The build generating platform includes build generating software for generating a build plan. The build generating software receives a desired build definition from a person desiring to have software installed onto a recipient computer (-receiving a first request comprising a description of said development environment and said software application to be developed )...", [0044], "...a build definition is received from a build requester...the build plan

Art Unit: 2122

may instruct the recipient computer (hardware) to sequentially load software (software) packages...”)

-reviewing said first request in accordance with control information for managing said first request;

(Ream: FIG. 2, #200-build definition is received, #202-build plan generated)

-assigning said first request to one or more developers;

(Ream: FIG. 2, #202-build plan generated),

-processing said first request;

(Ream: [0049], “Once the software to be installed on the recipient computer has been selected...(processing said first request)”, [0053], “Parameters for installing a software package may include a command line instruction that initiates installation of a software package. Such command lines may be defined by a writer (developer)...”)

-establishing said development environment upon said processing said first request;

(Ream: [0050], “...build plan includes references to data installation packages, causing the sequential execution of installation program command lines...where dependencies exist (development environment considered)...can determine whether additional software services or programs are required to be installed...”)

Art Unit: 2122

-monitoring said development environment asynchronously for violations of conditions established by said control information.

(Ream: [0044], "Once the software package has been installed, the recipient computer may verify (monitor for violations)...")

Ream disclosed a build environment. Although Ream disclosed that a writer (developer) ([0053]) might define some install parameters via a command line, his system was automated and he failed to show a group of developers working on a development environment.

Bowman-Amuah disclosed (col. 2, lines 18-21), "...building systems in a development architecture framework. Requirements are specified for both a system to be built and an implementation strategy to fulfill the requirements." Col. 2, lines 28-29, "The system is tested (monitored) to ensure that the requirements are fulfilled." Col. 2, lines 49-53, "...the system may be tested using tools such as test data management tools, test data manipulation tools, test planning tools, test execution tools, performance management tools, emulation tools, test result comparison tools, and test coverage measurement tools." Col. 11, lines 1-5, "When a new development environment is put in place, the developers need to learn not only how each individual tool works, but also how the tools work together to support the organization as it performs well defined processes" Bowman-Amuah disclosed developers involved with the development environment at col. 11, lines 28-44, "Together, these teams support the efforts of the System Building team, which is charged with the analysis, design, build, and test of the system to be developed."

Therefore, it would have been obvious, to one of ordinary skill in the art, at the time of the invention, to modify Ream's suggestion of using a developer to input modifications, by including a team of developers, as disclosed by Bowman-Amuah, because a team of developers provide a wider body of knowledge, useful in software development, and may contribute work effort from distributed locations via the network.

Per claims 2, 16, 27, and 38:

-identifying a violation of a condition;

(Ream: [0044], "Once the software package has been installed, the recipient computer may verify (monitor for violations)...", [0066], "...build plan may write an entry to an event log evidencing the success or failure (violation of a condition)...")

-notifying a developer of said violated condition.

(Ream: [0044], "...the build requester or another person can be notified...")

Per claims 13, 17, 28, and 39:

-inserting information of said violation of said condition in a report;

(Ream: [0044], "...the build requester or another person can be notified...", [0066], "...build plan may write an entry to an event log evidencing the success or failure..."))

-issuing said report to a customer.



Art Unit: 2122

(Ream: [0044], "...the build requester or another person can be notified...")

Per claims 4, 18, 29, and 40:

-inserting information on a status of said development environment in a report;

(Ream: [0064], "...may cause an event log to be created...record specific events...used to contain messages related to the success or failure of the installation of individual software packages, or of errors which occur during execution of the build plan. An event log may also be used to contain status values or flags used during the execution of the build plan...")

-issuing said report to a customer.

(Ream: [0044], "...the build requester or another person can be notified...")

Per claims 5, 19, 30, and 41:

-control information comprises one or more of the following: a statement of work, a profile of a server implemented in said development environment, a profile of a network component implemented in said development environment, and a profile of said development environment.

(Ream: [0036], "The build generating software converts a build definition (statement of work) into a build plan (control information)...", [0038], "The recipient computer may be intended to be a server (profile of a server)...", [0040], "If the build server and the recipient computer are not co-located, an Internet connection (profile of a network component) may be provided, such that data can be transferred from the build server to the recipient computer over the Internet...")

Art Unit: 2122

Per claims 6, 19, 20, 31, and 42:

-said statement of work comprises standards for hardware components and software components in said target environment, wherein said statement of work comprises contract conditions.

(Ream: [0036], “The build generating software converts a build definition (statement of work) into a build plan...”, [0050], Dependencies are considered. “...ensure that all programs or services which are required to be installed first are installed before a requested program.”)

Ream failed to specifically note ‘contract conditions.’ However Amuah-Bowman disclosed (col. 30, line 48- col. 31, line 3), “In order to plan and organize the development work appropriately, a Service Level Agreement (SLA) must be in place between the Service Management group (typically part of the Environment Management team) and the developers...Specification of service levels should be precise and the service must be measurable...”

Therefore, it would have been obvious to modify Ream’s invention to include more details regarding the contractual conditions expected between the developers and the client, as disclosed by Amuah-Bowman, because a clear agreement is necessary to appropriately plan and organize the development work and work efficiently towards an acceptable goal.

Per claims 7, 21, 32, and 43:

-said server profile comprises a description of said server implemented in said development environment.

Art Unit: 2122

(Ream: [0036], “A build definition may include identification of a desired operating system, as well as of specific software applications or updates of applications desired to be installed on a recipient computer...”, [0038], “The recipient computer is a computer onto which it is desired to install software. The recipient computer may be intended to be a server used to host an application...”)

Per claims 8, 22, 33, and 44;

-said network component profile comprises a description of said network component implemented in said development environment.

(Ream: (Ream: [0036], “A build definition may include identification of a desired operating system, as well as of specific software applications or updates of applications desired to be installed on a recipient computer...”, [0038], “The recipient computer is a computer onto which it is desired to install software. The recipient computer preferably includes a communication connection with a build server, such as through interfaces and network connected to a network...”)

Per claims 9, 23, 34, and 45:

-said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

(Ream: [0044], “...build definition is received from a build requester...”)

Art Unit: 2122

Per claim 10:

-said processing said first request comprises updating a profile of a server implemented in said development environment, wherein said server profile comprises a description of said server implemented in said development environment.

(Ream: [0045], "...generation of the plan may involve selecting software components to be installed on the recipient computer, and grouping pre-determined installation packages together to form a build plan.", [0081], "The system shown in FIG. 14 also allows a centralized build information server to be maintained...new revisions...may be released...requiring that data used by each build generating station be updated to reflect the new revision information...")

Per claim 11:

-said processing said first request comprises updating a profile of a network component implemented in said development environment, wherein said network component profile comprises a description of said network component implemented in said development environment.

(Ream: [0047], "...recipient computer may be intended to access data necessary to install software onto the recipient computer via a network connection, information necessary for defining a recipient computer's identity on a network, as well as a destination address where the data can be accessed, may need to be identified and provided to recipient computer...", [0048], "...installation of software across a network may require the presence of authentication means...", [0081], "The system shown in FIG. 14 also allows a centralized build information

Art Unit: 2122

server to be maintained. The centralized build information server may allow information used in build generating stations to be controlled at a single point. Data defining parameters and installation instructions for specific software packages may become obsolete...data used by each build generating station be updated (update profile) to reflect the new revision information.”

Network components / software required by a build may be updated as needed.)

Per claim 12:

-said processing said first request comprises updating profile of said development environment, wherein said profile of said development environment comprises a description of said hardware components and said software components of said development environment, wherein said profile of said development environment comprises a description of said software application to be developed.

(Ream: [0015], “...the system of the present invention includes a build library that contains installation programs provided by software suppliers, where the installation programs each configure and install a specific software package onto a recipient computer....may include build generating software, which generates build plans based on software identified as desired to be installed”, [0045], “...the generation of the plan may involve selecting software components to be installed on the recipient computer...to form a build plan. First the process may update information associated with the build generating program...This update may be accomplished by synchronizing a local build information database...”,[0081], “...data used by each build generating station be updated to reflect the new revision information...”)

Art Unit: 2122

Per claims 13, 24, 35, and 46:

-receiving a second request, wherein said second request comprises a request to implement a change in said development environment.

(Ream: [0013], After a failure, implement a change, "...and optimally may allow an automated build to be initialized at this point once an installation error has been remedied", [0014], "The use of the build plan may also allow the software components installed to be identified based on the installation programs present in the build library t the time of the build, such that a record can be generated based on the build date and the configuration of the build library to identify what revision levels of software were installed on a particular machine. This may allow automated updating to occur..." A change may be made to a particular development environment.)

Per claims 14, 25, 36, and 47:

-receiving a second request, wherein said second request comprises a request to correct a problem detected in said development environment.

(Ream: [0019], "...the process may cause an event log to be written after the execution of segments of a build plan, such that the event log can e later reviewed to determine whether the build plan functioned properly, and if not, what software package was not successfully installed...(correct problem detected)" )

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2122

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mary Steelman, whose telephone number is (703) 305-4564. The examiner can normally be reached Monday through Thursday, from 7:00 AM to 5:30 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

After October 25, 2004, examiner can be reached at new telephone number (571) 272-3704. Supervisor, Tuan Q. Dam can be reached at (571) 272-3694.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mary Steelman



09/28/2004



**TUAN DAM**  
**SUPERVISORY PATENT EXAMINER**